



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX

75 Hawthorne Street
San Francisco, CA 94105

Date: **JUN 08 2018**

Certified Mail No. 7018 0360 0000 6461 0570
Return Receipt Requested

Mr. Juan Ortiz
President
Mendez-Ortiz Construction, Inc.
3165 California Street
San Francisco, CA 94115

Subject: Inspection Report Transmittal and Information Request Letter

Dear Mr. Ortiz:

The United States Environmental Protection Agency (EPA) is requesting information as part of our follow-up to the inspection that took place at your office on April 24, 2018 (See Inspection Report Attached). The purpose of the inspection and this Information Request Letter (IRL) is to assess your company's compliance with the Renovation, Repair and Painting (RRP) Rule under the Toxic Substances Control Act (TSCA). The RRP requirements are located at Chapter 40 of the Code of Federal Regulations §§ 745.80 – 745.92.

EPA requests that your firm provide the information listed in Attachment A of this letter for the properties listed in Attachment B. Your response must be accompanied by Attachment C and signed by an authorized official of your company. Please provide the information requested within thirty (30) calendar days from the date of your receipt of this IRL. In your letter, please organize your response by each property and indicate which answers and documents correspond to which requests (e.g., If a document applies to Item 2 for Property 3, then the document should be marked with, "Property 3: Response to Item 2"). Attachment D provides definitions of key terms that may be useful. Please mail the requested information via certified mail to the following address:

U.S. Environmental Protection Agency, Region 9
Enforcement Division
Attn: Christopher Rollins
75 Hawthorne Street (ENF-2-2)
San Francisco, CA 94105

Please be advised that failure to provide the information requested in this letter in a timely manner may constitute a violation of 40 C.F.R. § 745.86(a) and result in issuance of a federal subpoena pursuant to TSCA Section 11(c), 15 U.S.C. § 2610(c).

This request for information is not subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act because it is not an "information collection request" within the meaning of 44 U.S.C. §§ 3502(4) & (11), 3507, 3512, and 3518. Furthermore, it is exempt from OMB review under the Paperwork Reduction Act because it is directed to fewer than ten persons [44 U.S.C. § 3502(4), (11); 5 C.F.R. § 1320.5(a)].

Enclosed is a Small Business Regulatory Enforcement and Fairness Act (SBREFA) Information Sheet providing information on compliance assistance and informing small businesses of their right to comment to the SBREFA Ombudsman on EPA enforcement-related efforts. The SBREFA does not eliminate your responsibility to respond in a timely fashion to any complaint or information request that EPA may issue or any other enforcement action that EPA may undertake, nor create new rights or defenses under Federal law.

If you have any questions regarding this letter, please contact Christopher Rollins of my staff at (415) 947-4166 or at rollins.christopher@epa.gov.

Sincerely,



Douglas K. McDaniel, Chief
Waste and Chemical Section
Enforcement Division

Attachments

ATTACHMENT A – REQUESTED ITEMS

For each property listed in Attachment B, provide responses and documents from your firm and subcontractor(s) regarding the items listed below. Note, ALL items below must be addressed. If your firm answers “No” or “Not Applicable” to any of the questions or items listed below, please explain why.

1. Identify each room inside the residential property where work was performed.
2. For each room identified in Item 1, identify how many square feet of painted surface (e.g., walls, ceilings, cabinets, vanities, baseboard, etc.) did your firm or your subcontractor(s) remove during the demolition portion of the job. If the exact square footage cannot be calculated, provide an estimate.
3. Identify the total square footage of exterior painted surfaces (e.g., walls, siding, doors, garage doors, fascia, etc.) your firm or subcontractors removed during the demolition portion of the job. If the exact square footage cannot be calculated, provide an estimate.
4. Identify the number of block frame and/or wood frame window replacements performed.
5. Identify the location of each block frame and/or wood frame window replacements performed and whether it required: i) a mull cut, ii) resizing of the window frame, and/or iii) removal of painted wood shutters (and, if so, the estimated square footage of the shutters).
6. Provide a copy of the records showing that the Renovate Right brochure was signed by the property owner.
7. Identify those employees who supervised and performed demolition or renovation at each property. Please include full name, title, and supervisor or worker role.
8. Identify the assigned Certified Renovator(s) to the job at each property. Please include full name, title, and supervisor or worker role.
9. Provide copies of the RRP Individual training certificate issued by an EPA-accredited training provider for each Certified Renovator.
10. If applicable, identify the subcontractor(s) that performed demolition or renovation at each property. Please include the company name, address, contact person, copies of the subcontractor’s firm certificates and individual RRP training certificates issued by EPA-accredited training providers for the individuals working at the job site.
11. Provide copies of any written contracts or purchase orders issued to your firm (including all addenda or documents referenced in the contract or purchase order), for each entity that hired your firm to perform the renovation or demolition work. Please include the

names and addresses of these entities.

12. Provide copies of any written contracts or purchase orders issued by your firm, for each subcontractor that you or your firm hired to perform demolition or renovation work. Please include the name of the subcontractor's company name, owner or president's name, and the company mailing and street address.
13. Provide high quality copies of all drawings, photos, or other schematic documents that illustrate the work area and the condition of the work area before, during, or after the activity. For each copy, please state the date, location, and subject matter. If before and after photos are available, identify which copy illustrates the area before and after the work was performed. If the original photos were in color please provide the copies of the photos in color.
14. Provide copies of the RRP record keeping checklist or similar documents.
15. Provide copies of any information relating to lead-based paint in the renovated property, including but not limited to: i) Building wide test results such as a lead-based paint free determination by an EPA-certified inspector or risk assessor; ii) Paint-related violation notices from state or local agencies; iii) Project specific lead based paint test results for individual components that were renovated (e.g., door frame, wall, molding, etc.); iv) Results of cleaning verification or optional dust wipes; and v) Information you received that indicates lead testing was either performed or is not required.
16. Provide proof of payment for services rendered.
17. Did your firm or subcontractor(s) post warning signs before work began?
18. Did your firm or subcontractor(s) close and cover all ducts opening in the work area with taped-down plastic sheeting?
19. Did your firm or subcontractor(s) remove paint, use heat guns that exceed 1,100 degrees Fahrenheit, use open-flame burning, torching or paint removal devices without HEPA vacuum attachments?
20. Did your firm or subcontractor(s) contain waste from the renovation to prevent the release of dust and debris at the end of each work day?
21. Did your firm or subcontractor(s) use a HEPA vacuum to vacuum all surfaces in the work area after the renovation was complete?
22. Identify the age of the residential occupants. Were the residential occupants living in the

home while the renovation work was being performed?

In addition, please provide the following documents related to your firm and its employees:

23. A copy of the RRP Firm Certificate.
24. A copy of the lead-based paint training records for the past 3 years.
25. The names and titles of the company management and any employees who perform or oversee residential renovation work.

ATTACHMENT B – PROPERTY ADDRESSES

1. 1200 Valencia Street, San Francisco, CA 94110
2. 745 Hyde Street, San Francisco, CA 94109
3. 795 Geary Street, San Francisco, CA 94109
4. 1035 Pine Street, San Francisco, CA 94109
5. 171 Montecito Avenue, Oakland, CA 94610

ATTACHMENT C – DECLARATION

IN THE MATTER OF:

Mendez-Ortiz Construction, Inc.
3165 California Street
San Francisco, CA 94115

Declaration Responding to Information Request

I, the undersigned, state as follows:

1. I have made a diligent search and inquiry for all information and documents that are requested in the request for information to which this declaration responds. I have not found or been told about, and have no knowledge of, any information or documents requested by the request for information that I have not identified, copied, and submitted along with this declaration. I have not destroyed any requested documents or transferred any requested documents to any other person or party in the last three years.
2. Attached to this declaration are _____ pages of document photocopies. The attached pages are true, complete, and correct copies of documents that I presently have in my custody or control either personally, or as an agent, representative, or employee of a business entity in which I had or have a financial or ownership interest.
3. The information and documents were prepared and kept, or were received and kept, in the usual course of regularly conducted business.
4. All the responses to the inquiries contained in the request for information are true, complete, and correct.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: _____
Date

Signature: _____

Printed Name: _____

Office or Title: _____

ATTACHMENT D - DEFINITIONS

PLEASE READ THESE DEFINITIONS CAREFULLY TO PROPERLY COMPLY WITH THE TERMS OF THIS INFORMATION REQUEST LETTER AND DOCUMENT REQUEST.

Unless otherwise defined below, the terms used in this Information request letter have the meanings given in Section 402(b) and 402(c)(3) of the Toxic Substances Control Act and 40 C.F.R. Part 745, Subparts E, F, and L.

1. *Document* means the original or an identical and readable copy thereof, and all non-identical copies (whether different from the original by reason of notations made on such copies or otherwise), of any writings or records of any type or description, however created, produced or reproduced, including but not limited to any final contracts, contingency contracts, riders, agreements, papers, books, records, letters, photographs, correspondence, communications, telegrams, cables, telex messages, memoranda, notes, notations, work papers, transcripts, minutes, reports and recordings of telephone or other conversations, or of interviews, conferences, or other meetings, affidavits, statements, summaries, opinions, reports, studies, analyses, evaluations, jottings, agendas, bulletins, notices, announcements, advertisements, instructions, charts, manuals, blueprints, brochures, publications, schedules, price lists, client lists, journals, statistical records, desk calendars, appointment books, diaries, lists, tabulations, sound recordings, computer printouts, data processing program libraries, data processing input and output, microfilm, books of accounts, records and invoices reflecting business operations, all records kept by electronic, photographic or mechanical means, any notes or drafts related to the foregoing, and all things similar to any of the foregoing, however denominated.
2. *Firm* means a company, partnership, corporation, sole proprietorship or individual doing business, association, or other business entity; a Federal, State, Tribal, or local government agency; or a nonprofit organization.
3. *Identify* means, with respect to a person, to set forth the person's full name, present or last known business address and business telephone number.
4. *Property* and *Properties* include all target housing properties, child-occupied facilities, and all individual units renovated by you.
5. *Renovation* means the modification of any existing structure, or portion thereof, that results in the disturbance of painted surfaces, unless that activity is performed as part of an abatement as defined by 40 C.F.R. § 745.223. The term renovation includes (but is not limited to): the removal, modification, or repair of painted surfaces or painted components (e.g., modification of painted doors, surface restoration, window repair, surface preparation activity (such as sanding, scraping, or other such activities that may generate paint dust)); the removal of building components (e.g., walls, ceilings, plumbing, windows); weatherization projects (e.g., cutting holes in painted surfaces to install blown-in insulation or to gain access to attics, planning thresholds to install weather stripping); and interim controls that disturb painted surfaces. A renovation

performed for the purpose of converting a building, or part of a building, into target housing or a child occupied facility is a renovation under this subpart.

6. *Renovator* means an individual who either performs or directs workers who perform renovations. The owner of target housing rental property is also a renovator if the owner of target housing rental property personally conducts the renovation work in his rental property or his direct employee conducts such work. An owner of target housing rental property is not a renovator if he contracts renovation work to an independent contractor. A certified renovator is a renovator who has successfully completed a renovator course accredited by EPA or an EPA-authorized State or Tribal program.